United Nations A/HRC/RES/35/33

General Assembly

Distr.: General
29 June 2017

Original: English

Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 10

Resolution adopted by the Human Rights Council on 23 June 2017

35/33. Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined the Universal Declaration of Human Rights, and other relevant instruments to which they are parties, including the International Covenants on Human Rights, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolution 33/29 of 30 September 2016 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

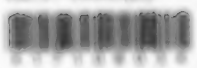
Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Gravely concerned by the recent reports of a wave of violence, serious and gross human rights violations and abuses, and violations of international humanitarian law in the Kasai regions perpetrated by all, including those involving recruitment and use of child soldiers, sexual and gender-based violence, destruction of houses, schools, places of worship, and State infrastructure by local militias, as well as of mass graves,

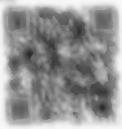
Strongly condemning the killing of two members of the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004) of 12 March 2004, Ms. Zaida Catalán and Mr. Michael Sharp, who were killed in Central Kasai while discharging their mandate,

Deeply alarmed by the humanitarian consequences of the violence affecting civilian populations in the Kasai regions, which have led to more than 1.27 million internally

GE.17-[illegible](E)



Please recycle



Deplored persons inside the country and at least 40,000 seeking refuge in neighbouring countries,

Taking note of the Security Council press statements on the situation in the Democratic Republic of the Congo of 24 February and 4 May 2017,

Taking note also of the press release by the United Nations High Commissioner for Human Rights of 9 June 2017 on the need to complement national efforts,

Stressing its commitment to the fight against impunity with a view to ensuring the non-occurrence of human rights violations and abuses,

1. *Condemns in the strongest terms* all the violence, incitement to hatred and ethnic violence, human rights violations and abuses as well as violations of international humanitarian law witnessed in the Democratic Republic of the Congo, in particular those carried out in the Kasai regions since August 2016, including those involving ethnically motivated violence, violence and abuses against women and children, unlawful recruitment and use of child soldiers, assassinations, extrajudicial killings, enforced disappearances, rapes and other forms of sexual and gender-based violence, cases of mistreatment or torture and other cruel, inhuman or degrading treatment or punishment;

2. *Urges* the Government and all the relevant institutions of the Democratic Republic of the Congo to take all the necessary measures to prevent all violations of international humanitarian law and all the human rights violations and abuses in the Democratic Republic of the Congo, in particular when they constitute war crimes or crimes against humanity, and to hold accountable all those responsible, regardless of their political affiliation;

3. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights;

4. *Urges* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

5. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

6. *Commends* the role played by regional and international organizations as well as neighbouring countries in providing protection and assistance to all people affected by the crisis in the Kasai regions;

7. *Calls upon* the Government of the Democratic Republic of the Congo to continue its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Office for Human Rights in the Democratic Republic of the Congo, the Human Rights Council and its special procedures, and underlines the necessity for the United Nations Joint Office for Human Rights to have unfettered and timely access to the whole territory, in particular to the Kasai regions, to operate without hindrance and to have access to all relevant persons and documents;

8. *Welcomes* the commitment of the Government of the Democratic Republic of the Congo to continue its efforts through joint investigations on human rights violations and abuses and violations of international humanitarian law perpetrated in the Kasai regions with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Office for Human Rights, in association with the African Union, as announced by the Minister for Human Rights during the interactive dialogue on the Democratic Republic of the Congo of 22 March 2017;

9. *Takes note* of the initial results of the national investigation into the allegations of human rights violations and abuses committed in the Kasai regions;

10. *Requests* the United Nations High Commissioner for Human Rights to dispatch a team of international experts, including experts from the region, to collect and preserve information, to determine the facts and circumstances in accordance with international standards and practice, and while ensuring the protection of all persons who will cooperate with the team, in cooperation with the Government of the Democratic Republic of the Congo, including by facilitating visits and access to the country, sites and persons, concerning alleged human rights violations and abuses, and violations of international humanitarian law in the Kasai regions, and to forward to the judicial authorities of the Democratic Republic of the Congo the conclusions of this investigation in order to establish the truth and to ensure that the perpetrators of deplorable crimes are all accountable to the judicial authorities of the Democratic Republic of the Congo;

11. *Also requests* the High Commissioner to present an oral update, and to invite the team to participate in an enhanced interactive dialogue at its thirty-seventh session, and requests the High Commissioner to present a comprehensive report with the team's findings, and to invite the team to participate in an interactive dialogue at its thirty-eighth session;

12. *Requests* the Office of the High Commissioner to provide the necessary technical assistance to the Government of the Democratic Republic of the Congo regarding its investigations into the allegations of human rights violations and abuses committed in the Kasai regions;

13. *Requests* that the Office of the High Commissioner receive all necessary and appropriate resources for the conduct of this mandate;

14. *Decides* to remain seized of the situation.

37th meeting
23 June 2017

[Adopted without a vote.]